

FILED

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

DEC - 1 2004

JAMES G. ABOUREZK,

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* CIV 03-4146

Plaintiff,

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vs.

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* AMENDED RULE 16

* SCHEDULING ORDER

PROBUSH.COM, INC.,
a Pennsylvania Corporation,

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Defendants.

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Pending before the Court is the Stipulation and Motion to Amend Scheduling Order, Doc. 26, and after consideration of the same,

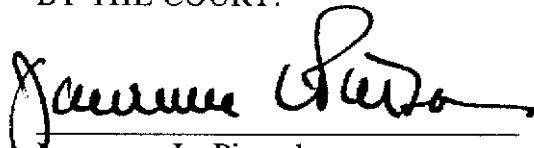
IT IS ORDERED:

1. That the Stipulation and Motion to Amend Scheduling Order, Doc. 26, is granted.
2. That the date has expired for the parties to move to join additional parties and to amend the pleadings.
3. That all discovery, including expert discovery, shall be commenced in time to be completed by March 31, 2005, and a maximum of twenty-five (25) interrogatories by each party to any other will be allowed, and responses thereto shall be due thirty (30) days after service. Discovery responses must be supplemented as additional information is available.
4. That there will be a maximum of six (6) depositions for each party, excluding depositions of experts.
5. That the identity of and reports from retained experts under Rule 26(a)(2) shall be due from Plaintiff by December 10, 2004, and from Defendant by March 11, 2005; any supplementations thereto under Rule 26(e) shall be due twenty (20) days prior to trial.
6. That a deposition may be taken of each designated expert.

7. That all motions, other than motions in limine, together with supporting briefs, shall be filed and served on or before May 2, 2005; that opposing parties shall file and serve answering materials and briefs on or before May 23, 2005; and reply briefs shall be filed and served on or before June 3, 2005.
8. That final lists of witnesses and exhibits under Rule 26(a)(3) shall be filed and served by Plaintiff and by Defendant ten (10) working days before trial, and the parties shall have five (5) days after service of such lists to file and serve objections thereto under Rule 26(a)(3).
9. That all motions not previously disposed of will be heard and a pre-trial conference will be held on Monday, July 11, 2005, at 9:00 A.M. The lawyer who will be the lead trial counsel at trial for each of the parties is to be in attendance at the pre-trial conference unless specifically excused by the Court from being in attendance.
10. All motions in limine, with supporting authority, shall be in writing and filed, together with proposed instructions, with supporting authority, with the Court ten (10) working days before trial.
11. That jury trial will commence in Sioux Falls, South Dakota, on Tuesday, August 9, 2005, with counsel to be present for motions in limine at 9:00 A.M., and with the jury to report at 9:30 A.M.
12. That the parties shall promptly contact the Magistrate so that the possibility of settlement discussion with the assistance of the Magistrate can be pursued.
13. That the schedule herein may be modified by the Court upon a showing of good cause.

Dated this 1st day of December, 2004.

BY THE COURT:



Lawrence L. Piersol
Chief Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: Sharon Loura
DEPUTY